

PF-2894
Amendment dated 11/15/2006

09/983,041

01450013aa
Reply to office action mailed 09/18/2006

REMARKS

Claims 1-29, 31-38, 40-47 and 49-55 are currently pending in the application. The claims are not amended. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

The Examiner's withdrawal of the final rejection is acknowledged with appreciation.

In the specification, the paragraphs beginning at page 2, line 22 have been amended to correct errors in grammar and syntax. No new matter has been added.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2006/0114339 to Ohmura. Ohmura discloses an image storage mechanism for a digital camera, wherein upon connection of the digital camera the images from the digital camera are transmitted through the connector to built-in memory, whereupon a signal is sent back to the digital camera to delete the images that have been transmitted. The image storage mechanism provides for a tabular display of the images stored in the built-in memory (Fig. 35).

However, Ohmura fails to disclose an "information item" separate from the table. This is critical to the operation of the invention. In the invention, the "retrieval condition" appears in two separate and distinct places: once in the "information item" which is transmitted over the communications network, and then also in the table. The table provides a linkage between the retrieval condition and the image (or sound) to be displayed. According to the invention as claimed, the terminal device detects the retrieval condition in the transmitted information item, and consequently displays

the corresponding image (or sound) in accordance with the table. The claim language of the invention describes several distinct structures: a) detecting of a retrieval condition by a terminal; b) the retrieval condition being contained in (or not being contained in) the transmitted information item; c) the retrieval condition being also contained in a table; and d) the table connecting a display of an image (or sound) with the retrieval condition.

By contrast, Ohmura simply transfers images from a digital camera to a built-in memory, and then provides a tabular listing of index material for the transferred images. The tabular listing may be searched (S204 “Setting of Retrieval Conditions” in Fig. 34, as further described in ¶0274). But there is no connection in Ohmura between a “retrieval condition” in the table and the same retrieval condition in an “information item”. There is no separate information item in Ohmura containing the retrieval condition.

This separate structure for an information item is not only claimed, but is an essential aspect of the invention. The motivation for the invention may be understood from the two paragraphs beginning at page 2, line 22, of the specification, amended as described above on page 2 of this paper. This motivation is to permit transmission of a relatively compact “information item” containing a “retrieval condition”, the transmission being “with text data only with no image file nor voice or sound file”. Because of the existence – at the terminal – of the table (where the table links the “retrieval condition” and the larger multi-media file), it is only necessary to transmit to the terminal an “information item” containing the “retrieval condition” in order to effect display of the larger multi-media file at the terminal.

Apparently, the Examiner is arguing that the image data transmitted from the digital camera to the built-in memory itself contains the “retrieval conditions” that

appear in the tabular list of images. But in that case there is no difference between what is transmitted and what is shown in the tabular list. The claimed invention does not read on this disclosure of Ohmura. The claim describes two separate elements, an “information item” which is transmitted and received and then a table of retrieval conditions and corresponding image/sound file identifiers. The Examiner is using the same structure (the image file and its index information) for both the claimed information item and the claimed table, an interpretation which is not consistent with the specification. The authorities are clear that, while language from the specification will not be read into the claims, the claim must be interpreted in light of the specification. “Information item” and “table” are distinct in the claim language, and distinct in the specification. The invention provides for a separate “table” precisely so that the “information item” used in communication need not contain a large image or sound file (see page 3, lines 1-6, and page 5, lines 8-15). On the other hand, if the receiving terminal does not have the desired table it may need to be attached to the information item, for example, an email (page 29, lines 3-5). The invention provides for tables which do not include the images (page 27, lines 23-24, and Fig. 5) but only memory addresses for the images (page 28, lines 1-3), and tables which include the images (page 29, lines 20-22, and Fig. 8).

In interpreting the claim, the Examiner must retain the claim language used by the applicant, and read that language in light of the specification. Since the claim language, supported by the specification, treats “information item” and “table” as separate and distinct structures, the Examiner cannot use the same structure in Ohmura (the image file and its associated data) to describe both inventive structures. Consequently, the omission from Ohmura of disclosure of a separate “information

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item” containing the “retrieval condition” is fatal to use of Ohmura as a §102 reference. It is therefore submitted that Ohmura is overcome as a reference.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,583,799 to Manolis in view of Ohmura. Manolis discloses a system for uploading image data to a remote computer. The Examiner acknowledges that Manolis fails to disclose the table having the functionality described above, and then relies upon Ohmura for that disclosure. However, this reliance is misplaced because Ohmura also fails to disclose the separate and distinct structures of i) the transmitted information item containing a “retrieval condition” and ii) the table linking the “retrieval condition” with the image (or sound) data. This failure of the Ohmura reference is described above. Consequently, the combination of Ohmura cannot make up for the admitted failure of Manolis to disclose the invention as claimed.

Consequently, it is submitted that the Manolis/Ohmura combination fails as reference.

In summary, it is believed that existing claims particularly point out and distinctly claim the present invention, distinguishing the prior art of record, and that all rejections of record have been overcome. It is to be noted that the above arguments with respect to independent claim 1 also apply to dependent claims 2-15. Similarly, these arguments are sufficient as to corresponding independent claims 16, 29, 38, 47 and their respective dependent claims.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-29, 31-38, 40-47 and 49-55 be allowed, and that the application be passed to issue.

PF-2894

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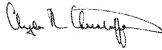
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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde R. Christofferson", with a long, sweeping horizontal stroke extending to the right.

Clyde R Christofferson
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